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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,700	07/21/2003	Mark Perry Davis	50127.01US01	7066

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MARK P. DAVIS
2852 SW GENESEE STREET
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EXAMINER

LOHN, JOSHUA A

ART UNIT	PAPER NUMBER
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2114

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/624,700	Applicant(s) DAVIS, MARK PERRY	
	Examiner Joshua A. Lohn	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8, 12-14, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimura et al., United States Patent number 6,173,422, published January 9, 2001.

As per claim 1, Kimura discloses a computer-implemented method for digital recording-based computer testing, comprising:

testing at least one electronic device having an output signal that comprises information that reflects the state of the electronic device (Kimura, col. 14, lines 31-47, where acquisition of the device monitoring status information is the testing of the status output signal that reflects the state);

recording the output signal (Kimura, col. 14, lines 49-51);

storing in a database the recorded output signal using keys that are sufficient to uniquely identify the recorded output signal (Kimura, col. 23, lines 25-35, where the status information is stored in a database and uniquely identified by the device identifying information);

receiving a bug report containing information about anomalies encountered while testing the electronic device (Kimura, col. 19, lines 43-46, where the received errors are the bug report) and wherein the bug report contains information that is sufficient to uniquely identify the recorded output signal (Kimura, col. 13, lines 37-40, where the error, or bug report, information

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includes device identification information to allow the identification of recorded output status signals);

and associating in the database the bug report with the recorded output signal using information in the bug report to locate a particular recorded output signal that corresponds with the bug report (Kimura, col. 14, line 49 through col. 15, line 7, where the creating of the history files is the associating in the database of the error, or bug, report data and the recorded status output data).

As per claim 5, Kimura further discloses the method of claim 1, wherein a plurality of output signals from a plurality of the electronic devices are simultaneously recorded (Kimura, col. 6, lines 13-29, and figure 1).

As per claim 6, Kimura further discloses the method of claim 1, further comprising remotely accessing the particular recorded output signal and associated bug report (Kimura, col. 23, line 57 through col. 24, line 6).

As per claim 7, Kimura discloses a computer-readable medium encoded with instructions for executing the computer-implemented method of claim 1 (Kimura, col. 7, lines 26-64, where it is shown that the processing methods can be encoded on a computer readable medium).

As per claims 8, 12, and 13, these claims are merely a system for executing the methods of claims 1, 5, and 6, respectfully. Kimura clearly discloses a system for the execution of the methods (Kimura, figure 1), and as such the same rejections as those applied to claims 1, 5, and 6 above would apply to claims 8, 12, and 13 here as well.

As per claim 14, Kimura discloses a digital recording-based computer testing system, comprising:

at least one electronic device under test having an output signal that comprises information that reflects the state of the electronic device (Kimura, col. 14, lines 31-47, where acquisition of the device monitoring status information is the testing of the status output signal that reflects the state, and the device under test is one of elements 2a-2h, see figure 1, and col. 6, lines 13-15);

a digital recording server that is configured to record the output signal (Kimura, col. 14, lines 49-51, where the computer is the digital recording server);

a database that is configured to store the recorded output signal using keys that are sufficient to uniquely identify the recorded output signal (Kimura, col. 23, lines 25-35, where the status information is stored in a database and uniquely identified by the device identifying information); and

a workstation that is configured to:

receive a bug report containing information about anomalies encountered while testing the electronic device (Kimura, col. 19, lines 43-46, where the received errors are the bug report, and the workstation is the supervisor) and wherein the bug report contains information that is sufficient to uniquely identify the recorded output signal (Kimura, col. 13, lines 37-40, where the error, or bug report, information includes device identification information to allow the identification of recorded output status signals); and

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associate the bug report with the recorded output signal using the database and information in the bug report to locate a particular recorded output signal that corresponds with the bug report (Kimura, col. 14, line 49 through col. 15, line 7, where the creating of the history files is the associating in the database of the error, or bug, report data and the recorded status output data).

As per claim 18, Kimura further discloses the system of claim 14, wherein the digital recording server is further configured to record a plurality of output signals from a plurality of the electronic devices under test simultaneously (Kimura, col. 6, lines 13-29, and figure 1).

As per claim 19, Kimura further discloses the system of claim 14, further comprising a second workstation that is configured to remotely access the particular recorded output signal and corresponding bug report (Kimura, col. 23, line 57 through col. 24, line 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 9, 10, 15, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al., in view of Hornberger et al., United States Patent number 6,904,389, filed March 6, 2001.

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As per claim 2, Kimura discloses the methods of claim 1, but fails to disclose the output signal being for a video display.

Hornberger discloses a monitored output signal being for a video display (Hornberger, col. 3, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the video display signal monitoring of Hornberger in the invention of Kimura.

This would have been obvious because Kimura discloses remotely monitoring and testing audio/visual devices to detect errors, including monitoring and testing the specific device status and condition information (Kimura, col. 14, lines 40-51). Kimura further discloses a desire to grasp the status of the actual use and operation of the devices (Kimura, col. 1, lines 42-45). Hornberger provides the ability to get display information of remote systems and provide test result display information remotely (Hornberger, col. 3, lines 60-63). The provided display information like that of Hornberger would obviously benefit the invention of Kimura by including a more complete operating state to the history log, as desired (Kimura, col. 14, line 49 through col. 15, line 7).

As per claim 3, Kimura discloses the methods of claim 1, but fails to disclose that the output signal is from a camera that captures video of the electronic device.

Hornberger discloses a monitored output signal being an output signal that is from a camera that captures video of the electronic device. (Hornberger, col. 5, lines 39-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the camera video capture of Hornberger in the invention of Kimura.

This would have been obvious because Kimura discloses remotely monitoring and testing audio/visual devices to detect errors, including monitoring and testing the specific device status and condition information (Kimura, col. 14, lines 40-51). Kimura further discloses a desire to grasp the status of the actual use and operation of the devices (Kimura, col. 1, lines 42-45). Hornberger provides the ability to get display information of remote systems and provide test result display information remotely (Hornberger, col. 3, lines 60-63). The provided display information like that of Hornberger would obviously benefit the invention of Kimura by including a more complete operating state to the history log, as desired (Kimura, col. 14, line 49 through col. 15, line 7).

As per claims 9 and 10 these claims are merely a system for executing the methods of claims 2 and 3, respectfully. Kimura clearly discloses a system for the execution of the methods (Kimura, figure 1), and as such the same rejections as those applied to claims 2 and 3 above would apply to claims 9 and 10 here as well.

As per claim 15, Kimura discloses the apparatus of claim 14, but fails to disclose the output signal being for a video display.

Hornberger discloses a monitored output signal being for a video display (Hornberger, col. 3, lines 25-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the video display signal monitoring of Hornberger in the invention of Kimura.

This would have been obvious because Kimura discloses remotely monitoring and testing audio/visual devices to detect errors, including monitoring and testing the specific device status and condition information (Kimura, col. 14, lines 40-51). Kimura further discloses a desire to grasp the status of the actual use and operation of the devices (Kimura, col. 1, lines 42-45). Hornberger provides the ability to get display information of remote systems and provide test result display information remotely (Hornberger, col. 3, lines 60-63). The provided display information like that of Hornberger would obviously benefit the invention of Kimura by including a more complete operating state to the history log, as desired (Kimura, col. 14, line 49 through col. 15, line 7).

As per claim 16, Kimura discloses the apparatus of claim 14, but fails to disclose that the output signal is from a camera that captures video of the electronic device.

Hornberger discloses a monitored output signal being an output signal that is from a camera that captures video of the electronic device. (Hornberger, col. 5, lines 39-40).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the camera video capture of Hornberger in the invention of Kimura.

This would have been obvious because Kimura discloses remotely monitoring and testing audio/visual devices to detect errors, including monitoring and testing the specific device status and condition information (Kimura, col. 14, lines 40-51). Kimura further discloses a desire to grasp the status of the actual use and operation of the devices (Kimura, col. 1, lines 42-45). Hornberger provides the ability to get display information of remote systems and provide test result display information remotely (Hornberger, col. 3, lines 60-63). The provided display

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information like that of Hornberger would obviously benefit the invention of Kimura by including a more complete operating state to the history log, as desired (Kimura, col. 14, line 49 through col. 15, line 7).

Claims 4, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al., in view of Hornberger et al., in further view of Dreste et al., United States Patent number 5,388,252, published February 7, 1995.

As per claim 4, Kimura discloses the methods of claim 1, but fails to disclose compressing the recorded output signal.

Hornberger discloses a video based output signal, which would obviously be included for the same reasons as those disclosed in the rejections of claims 2 and 3 above, however the combination of Kimura and Hornberger still fail to disclose compressing this signal.

Dreste discloses compressing the recorded output signal (Dreste, col. 11, lines 5-15, where the packing is a form of compression).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the compression of Drete in the invention of Kimura and Hornberger.

This would have been obvious because Drete discloses that the compression allows for the monitoring of the video with minimal delay, substantially in real time (Dreste, col. 13, lines 1-9). This would obviously benefit the invention of Kimura and Hornberger, which desire the ability to provide quick and efficient monitoring of audio/video devices (Kimura, col. 1, lines 33-

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41) to avoid developing issues in as much a real time environment as possible (Hornberger, col. 3, lines 60-62).

As per claim 11, this claim is merely a system for executing the method of claim 4. Kimura clearly discloses a system for the execution of the methods (Kimura, figure 1), and as such the same rejections as those applied to claim 4 above would apply to claim 11 here as well.

As per claim 17, Kimura discloses the apparatus of claim 14, but fails to disclose compressing the recorded output signal.

Hornberger discloses a video based output signal, which would obviously be included for the same reasons as those disclosed in the rejections of claims 15 and 16 above, however the combination of Kimura and Hornberger still fail to disclose compressing this signal.

Dreste discloses compressing the recorded output signal (Dreste, col. 11, lines 5-15, where the packing is a form of compression).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the compression of Dreste in the invention of Kimura and Hornberger.

This would have been obvious because Dreste discloses that the compression allows for the monitoring of the video with minimal delay, substantially in real time (Dreste, col. 13, lines 1-9). This would obviously benefit the invention of Kimura and Hornberger, which desire the ability to provide quick and efficient monitoring of audio/video devices (Kimura, col. 1, lines 33-41) to avoid developing issues in as much a real time environment as possible (Hornberger, col. 3, lines 60-62).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided on form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua A. Lohn whose telephone number is (571) 272-3661. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JAL